

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America)

v.)

Tony Dejaun Bynum)

Case No: 5:97-CR-34-1BR

USM No: 16878-056

Date of Previous Judgment: October 28, 1999)

(Use Date of Last Amended Judgment if Applicable))

Defendant's Attorney Thomas P. McNamara

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the _____ defendant _____ under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and the court having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 180 months **is reduced to** 146 months.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 39Amended Offense Level: 37Criminal History Category: IVCriminal History Category: IVPrevious Guideline Range: 360 to Life monthsAmended Guideline Range: 292 to 365 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain) :

III. ADDITIONAL COMMENTS

The court has considered the government's objection to the motion and notes that, according to Probation, defendant was punished for the 2000 post-sentencing conduct by the loss of good time credit. This reduced sentence consists of 146 months imprisonment as to Count 1 and 60 months imprisonment as to Count 2. The terms shall run concurrently.

Except as provided above, all provisions of the judgment dated June 2, 1997 and the judgment dated October 28, 1999 shall remain in effect.

IT IS SO ORDERED.Order Date: May 1, 2008


Judge's signature

Effective Date: _____

W. Earl Britt, Senior U.S. District Judge